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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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Fort Collins, CO 80528-9599

EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/865,944

Applicant(s)

VENKATRAMAN ET AL.

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006 to 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-163 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-163 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20060103</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> .       |

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1. Claims 33-163 remain presented for examination.
2. Related United States Patent Application must be updated to reflect their current status (i.e., now Abandoned) while United States Patents 5,956,487 and 6,170,007 should also be mentioned along with their United States Patent Application Number, filing dated, exc... on the first page of this applications' specification.
3. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
4. Use of active hyperlink and/or other forms of browser executable code is improper (see MPEP 608.01) and must be removed (see page 18 as one example, all others must also be removed). The reason being many OCR softwares will automatically associate (convert) such as an active (clickable) URL. Also, due to the dynamic nature of such links, they tend to become disabled rather than not in a relatively short time compared to the life of a Patent. More so, HTML code, per MPEP 608.01, is not permitted within the textual portions of the this application. This was addressed in examiner's prior Office Action and not mentioned in the applicant's responses. Correction or response on this matter is required by the applicant in order to be fully responsive.
5. In view of the 03 January 2006 Declaration of Keith Moore in support of enablement, the rejection and grounds for rejecting claims 33-163 under 35 U.S.C. 112, first paragraph, for lack of enablement is hereby vacated.
6. The 03 January 2006 Declaration of Jeffrey A. Morgan under 37 C.F.R. § 1.31 in addition with the 03 January 2006 Declaration of Chandrasekar Venkatraman under 37 C.F.R. § 1.31 are each in error and thus defective since they do not point to one particular rule under 37 C.F.R. 37 C.F.R. § 1.31 is directed to the applicant being represented by one ore more patent practitioners or joint inventors and not to an affidavit or declaration of prior invention to overcome a reference as required under 37 C.F.R. § 1.131. Therefore, until correct declarations are each filed which clearly cited to only 37 C.F.R. § 1.131, the following rejections are maintained:
  - a) claims 33-163 are rejected under 35 U.S.C. 102 (e) as being anticipated by Huntsman (United States Patent 5,801,689);
  - b) claims 33-163 are rejected under 35 U.S.C. 102 (e) as being anticipated by Wolff (United States Patent 6,209,048 B1);

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c) *claims 33-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huntsman (United States Patent 5,801,689).*

d) *claims 33-163 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wolff (United States Patent 6,209,048 B1).*

e) *claims 33-163 are rejected under 35 U.S.C. 103(a) as being unpatentable over any combination of the applied references given above, and below, for the reasons given above and below.*

7. The rejection(s), and grounds for rejection(s), under 35 U.S.C. 102(e) and 35 U.S.C. 103(a), as cited above and as presented in examiner's prior Office Action mailed 29 July 2005, are hereby each maintained and incorporated in this Office Action by reference.

8. The applicant argued in his 26 June 2006 response by stating in substance that the above cited rejection(s), and grounds for rejection(s), under 35 U.S.C. 102(e) and 35 U.S.C. 103(a), as cited above and as presented in examiner's prior Office Action mailed 29 July 2005 were each overcome by Declaration and/or Affidavits filed by each of the inventors under 37 C.F.R. § 1.131. However, no such Declaration and/or Affidavits has been filed by each of the inventors under 37 C.F.R. § 1.131 as indicated above. Examiner does note the error and will permit any such duplicate and corrected Declaration and/or duplicate and corrected Affidavits filed by each of the inventors under 37 C.F.R. § 1.131 after FINAL and will vacate the above cited rejections(s), and grounds for rejection(s), as so indicated above in this Final Office Action.

9. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of each reference is/are cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

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application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

**11. Claims 33-163 are rejected under 35 U.S.C. 102 (e) as being anticipated by Gosling (United States Patent 6,618,754 B1).**

12. Per claim 33, Gosling taught a system for providing a web page for a device that was a copier (e.g., see col. 4 (line 3-et seq.) in that element 110(c) of figure 1 and/or 310(c) of figure 6 were generic devices controlled in the same manner as the other such elements), comprising:

(a) a copier web server mechanism, including:

(i) a web server that generated a copier web page which enables control functions for the copier, the web server being embedded in the copier (e.g., see Abstract and col. 7 (line 24-et seq.));

(ii) a network interface embedded in the copier and coupled to the web server (e.g., see figure 1 (118a)) and/or figure 6 (318a));

(iii) a monitor embedded in the copier and coupled to the web server, wherein the monitor controlled device specific functions of the copier and monitors a set of information pertaining to the copier (e.g., see figure 1 (112a) and/or figure 6 (312a)); and (b) a communication path coupled to the network interface (e.g., the dashed lines of figure 1 and/or figure 6); and (c) a web browser coupled to the communication path for rendering the copier web page (e.g., see figure 1(120) and/or figure 6 (320)).

13. Per claims 34-49 the Internet (e.g., see figure 6), went into homes, contained local area networks having bridges/gateways/exc... (e.g., see col. 1 (line 10-et seq.)) that contained a communication path that was a home-based network (e.g., see figure 1) consisting of either, or in combination, serial telephone line or cellular modem wires (e.g., see col. 4 (line 3-et seq.)), serial base10 network wires, radio (e.g., see col. 4 (line 9)), or infra-red links, each equivalent in providing Internet access and requiring power for providing parallel (full-duplex) communication connection to the World Wide Web (e.g., see col. 1 (line 46-et seq.)) with visual and audio contents viewed by a web browser such as, but not limited to, Netscape and equivalents on a personal home computer or T.V. (e.g., see figure 1 (110a) or Internet Appliance such as an Internet Phone all equivalent in the function of monitor/display.

14. Per claims 50-163, other then the device type being remotely controlled, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above. However, figure 1 (110c) taught any generalized peripheral device(s), such as but not limited to, disk drives, video and audio (i.e., cards inserted into the mother board to receive television broadcasts), home temperature controls, and thus thermostat, and other home appliances (i.e., refrigerators, washing machines, exc...), and also factory or lab equipments such as oscilloscope and/or spectrum analyzer, or other claimed devices pr home computer built and

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programmed to control internal or external devices of the type of devices claimed. In general, each of the claimed devices were known to either be controlled by a computer or contained computers and thus could be remotely controlled as a general computer via the remote control device. That is to say, it was known to construct (via hardware and/or software) a personal computer (for 110c) to be an oscilloscope, or to control a washing machine ("smart home") or to access a device via its remote control unit (i.e., the remote control unit was connected to a network) or that the device type claimed be that of 110(c) in figure 1.

15. The rejection, and grounds for rejection, under 35 U.S.C. 102(e) as presented in examiner's prior Office Action mailed 29 July 2005, is hereby maintained and incorporated in this Office Action by reference.

16. The applicant argued in his 26 June 2006 response by stating in substance that:

a) Gosling does not disclose the two network contexts as equivalents. Gosling is emphasizing that the context of the web server/web page example is not the same as the home network and that the enclosures and the web servers are not interchangeable. However, these are not claimed limitation by the applicant. What is claimed by the applicant, is that each of the claimed devices have the capabilities of a browser downloading Web documents (e.g., see col. 4 (lines 11-14)) which, per the applicant, are the key features described in Gosling and are further described in col. 11, line 64 to col. 12, line 7 which provides examples of making a Web page more dynamic. Thus each of the devices of Gosling issued Web pages used in controlling each of the devices using HTML as akin also to figure 6. Therefore, Gosling disclosed at least a web server being embedded in home devices such as a VCR, television, and other device enclosures (110c of figure 1) such as a copier, facsimile machine, and the like in any of the other independent claims 50, 61, 72, 87, 98, 109, 120, 131, 142 or 153;

b) in addition to the failure to disclose an embedded web server as discussed for claim 33, Gosling also fails to teach the communication path coupled to a web browser, and thus besides failing to teach claim 33 also fails to teach claims 34-49. Furthermore, additional features of these dependent claims are not inherent so they are not anticipated by Gosling, for example a "home-based network [which] includes twisted pair communication links" of claim 35, nor the "power line communication links" of claim 37, nor the "infrared communications links" of claim 39 nor the "telephone lines and cellular telephone links" of claim 40 nor the "serial communication links" of claim 41 nor the "parallel communication links" of claim 42 nor whether the "communication path is a direct Internet connection to the world-wide web" as in claim 43 nor whether the communication path includes a "communication bridge as in claims 44 and 45. However, per claims 34-49 the Internet (e.g., see figure 6), went into homes, figure 1 was a home, figure 1 had a network as indicated by the dashed lines and thus contained local area networks having bridges/gateways/exc... (e.g., see col. 1 (line 10-et seq.)) that contained a communication path that was a home-based network (e.g., see figure 1) consisting of either, or in combination, serial telephone line or cellular modem wires (e.g., see col. 4 (line 3-et seq.)), serial base10 network wires, radio (e.g., see col. 4 (line 9)), or infa-red links, each equivalent in providing Internet access and requiring power for providing

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parallel (full-duplex) communication connection to the World Wide Web (e.g., see col. 1 (line 46-et seq.)) with visual and audio contents viewed by a web browser such as, but not limited to, Netscape and equivalents on a personal home computer or T.V. (e.g., see figure 1 (110a) or Internet Appliance such as an Internet Phone all equivalent in the function of monitor/display. These are all *equivalent* with respect to the claimed communication paths in a home with respect to a browser communicating with a server;

c) Gosling fails to disclose "a web browser coupled to the communication path for rendering the copier web page," and thus fails to disclose claim 33 and thus claims 46 to 49 depending therefrom. However, the applicant stated in his remarks that Gosling discusses a web browser in the context of a network of computers but it is also noted that such was embodied in specialized television hardware such as the remote controller of figure 1 (120). Figure 6 (322) clearly indicated a web browser of the typed argued by the applicant as in claims and thus was embodied in specialized telephone system hardware (i.e., a dial up modem).

**17. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this office action:**

**a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.**

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligations under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102 (f) or (g) prior art under 35 U.S.C. 103.

**19. Claims 33-163 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gosling (United States Patent 6,618,754 B1).**

20. That which was anticipated was obvious. However, figure 1 (110c) taught any generalized peripheral device(s), such as but not limited to, disk drives, video and audio (i.e., cards inserted into the mother board to receive television broadcasts), home temperature controls, and thus thermostat, and other home appliances (i.e., refrigerators, washing machines), and also factory or lab equipments such as oscilloscope and/or spectrum analyzer, or other claimed devices. In general, each of the claimed devices were known to either be controlled by a computer or contained computers and thus could be remotely controlled as a general computer via the remote control device and thus

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adding such to the claimed devices would have been obvious to those skilled in the art because figure 1 (110c) suggested any computerized controlled device.

21. Per claim 33, Gosling taught a system for providing a web page for a device that was a copier (e.g., see col. 4 (line 3-et seq.) in that element 110(c) of figure 1 and/or 310(c) of figure 6 were generic devices controlled in the same manner as the other such elements), comprising:

(a) a copier web server mechanism, including:

(i) a web server that generated a copier web page which enables control functions for the copier, the web server being embedded in the copier (e.g., see Abstract and col. 7 (line 24-et seq.));

(ii) a network interface embedded in the copier and coupled to the web server (e.g., see figure 1 (118a)) and/or figure 6 (318a));

(iii) a monitor embedded in the copier and coupled to the web server, wherein the monitor controlled device specific functions of the copier and monitors a set of information pertaining to the copier (e.g., see figure 1 (112a) and/or figure 6 (312a)); and (b) a communication path coupled to the network interface (e.g., the dashed lines of figure 1 and/or figure 6); and (c) a web browser coupled to the communication path for rendering the copier web page (e.g., see figure 1(120) and/or figure 6 (320)) .

22. Per claims 34-49 the Internet (e.g., see figure 6), went into homes, contained local area networks having bridges/gateways/exc... (e.g., see col. 1 (line 10-et seq.)) that contained a communication path that was a home-based network (e.g., see figure 1) consisting of either, or in combination, serial telephone line or cellular modem wires (e.g., see col. 4 (line 3-et seq.)), serial base10 network wires, radio (e.g., see col. 4 (line 9)), or infa-red links, each equivalent in providing Internet access and requiring power for providing parallel (full-duplex) communication connection to the World Wide Web (e.g., see col. 1 (line 46-et seq.)) with visual and audio contents viewed by a web browser such as, but not limited to, Netscape and equivalents on a personal home computer or T.V. (e.g., see figure 1 (110a) or Internet Appliance such as an Internet Phone all equivalent in the function of monitor/display.

23. Per claims 50-163, other then the device type being remotely controlled, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above. However, figure 1 (110c) taught any generalized peripheral device(s), such as but not limited to, disk drives, video and audio (i.e., cards inserted into the mother board to receive television broadcasts), home temperature controls, and thus thermostat, and other home appliances (i.e., refrigerators, washing machines, exc...), and also factory or lab equipments such as oscilloscope and/or spectrum analyzer, or other claimed devices pr home computer built and programmed to control internal or external devices of the type of devices claimed. In general, each of the claimed devices were known to either be controlled by a computer or contained computers and thus could be remotely controlled as a general computer via the remote control device. That is to say, it was known to construct (via hardware and/or software) a personal computer (for 110c) to be an oscilloscope, or to control a washing



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machine ("smart home") or to access a device via its remote control unit (i.e., the remote control unit was connected to a network) or that the device type claimed be that of 110(c) in figure 1.

24. The rejection, and grounds for rejection, under 35 U.S.C. 103(a) as presented in examiner's prior Office Action mailed 29 July 2005, is hereby maintained and incorporated in this Office Action by reference.

25. The applicant argued in his 26 June 2006 response by stating in substance that:

a) as discussed above, Gosling fails to disclose one or more elements including "a web server being embedded in the copier" of claim 33 or in any of the devices specified in the other independent claims. However, as indicated above, and specially with reference to figure 1, figure 6, and col. 4 (lines 11-14), the remote control device acts as a network client (i.e., a user of documents) and the enclosures the network servers (i.e., of documents). Such documents were of Web Page per col. 7 (lines 52-et seq.). Thus if not anticipated, per above, figure 1 obviously functioned in the manner to that of figure 6 of Gosling and thus the concept of the web server being embedded was disclosed in col. 4 (lines 11-15) of Gosling;

b) the presentation of the example network contexts in Figure 1 and Figure 6 in Gosling as separate environments itself illustrates that one of ordinary skill would not be motivated to combine the teachings with respect to Figure 1 with those of Figure 6 to make the claimed invention of the independent claims. However, per col. 4 (lines 11-15) and col. 7 (line 52-et seq.) would clearly indicate that figure 1 is an intranet based version of figure 6's Internet. Thus the remote controller device of figure 1 was a browser and the embedded web servers in the appliances of figure 1. Examiner disagrees that Gosling would first detail home appliance control and then run off tangent to the World Wide Web if figure 6 divorced from figure 1 (i.e., a disclosure of sneakers ending with a formula to feed hamsters unless the hamsters live in the sneakers);

c) the description of the two embodiments as separate environments with different requirements (See col. 2, lines 26-34) teaches away from combining them to form the claimed invention including a web server embedded in a device. However, this is in Gosling's Background of the Invention and conflicting with the direct teachings of col. 4 (lines 11-15) and col. 7 (line 52-et seq.) which clearly suggests that the elements of figure 1 are Web based in figure 1 expandable to (onto) the Internet of figure 6. While in a home intranet environment, the elements are so labeled as per figure 1 when they are connected to the Internet, their names change to those of figure 6 (i.e., the devices of figure 1 are controllable beyond the home but around the world col. 11 (line 40-et seq.)), that is the device enclosures 110 (of figure 1) become Web servers on the Internet, for example. Thus it would have been obvious to those skilled in the art to make (call) the device enclosures 110 Web Servers and the remote device 120 client (browsers) when moving them from a closed intranet to the open Internet.

26. Per the applicant's 26 June 2006 arguments directed to the communication path of claims 34-49, 51-60, 62-71, 73-86, 88-97, 99-108, 110-119, 121-130, 132-141, 143-152,

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and 154-163 as not being disclosed Gosling see paragraph 16(b) and paragraph 16(c) above.

27. Gosling fails to teach or suggest or motivate one of ordinary skill in the art to make or use the subject matter of claims 33-163. However, Gosling did show that home appliances were networked and controlled via HTML Web Pages. As indicated by above cited 03 January 2006 Declaration of Keith Moore, those of ordinary skill in the art were well aware that home appliances such as microwaves, VCRs, printers, and washing machines had microcontrollers within them also for translating user commands into device specific actions, such as setting temperature, recording a show at a certain time, or printing a document, under the control of software. Each of the devices of figure 1 sent compound documents to the client native to that device which the client then used to issue control commands per figure 3 and figure 4. It seems illogical and against the teaching of Gosling for the client to only collect documents and then have no further interaction with the home appliance beyond the document collection phase.

**28. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (703) 872-9306.

32. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL  
PRIMARY EXAMINER